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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1938

MAR 30 1939
CHARLES ELMORE CROPLEY
CLERK

No. 826

HOLTON V. NOYES, AS COMMISSIONER OF AGRICULTURE AND MARKETS OF THE STATE OF NEW YORK,

vs. *Appellant,*

ROCK ROYAL CO-OPERATIVE, INC., ET AL.

No. 827

DAIRYMEN'S LEAGUE COOPERATIVE ASSOCIATION, INC.,

vs. *Appellant,*

ROCK ROYAL CO-OPERATIVE, INC., ET AL.

No. 828

METROPOLITAN COOPERATIVE MILK PRODUCERS BARGAINING AGENCY, INC.,

vs. *Appellant,*

ROCK ROYAL CO-OPERATIVE, INC., ET AL.

APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF NEW YORK.

STATEMENT AS TO JURISDICTION.

MILO R. KNIFFEN,
LOUIS S. WALLACH,
Counsel for Appellant, Holton V. Noyes.
SEWARD A. MILLER,
Counsel for Appellant, Dairymen's League Cooperative Association, Inc.
JOHN E. LARSON,
EDMUND F. COOKE,
Counsel for Appellant, Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.

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Statutes Cited.

Act of Congress of May 12, 1933, Public No. 10, 73rd Congress, 48 Stat. 31, 7 U. S. C. A., Chap. 26, as amended by the Act of Congress, approved August 24, 1935, Public No. 320, 74th Congress, 49 Stat. 750, and as reenacted and amended by the Act of Congress approved June 3, 1937, known as the Agricultural Marketing Agreement Act of 1937, Public No. 137, 75th Congress, 50 Stat. 246	2
Act of Congress of August 24, 1937, Section 2, Public No. 352, 75th Congress, 50 Stat. 751, 28 U. S. C. 349a	2

IN THE

DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF NEW YORK

Civil Action

No. 32

CONSOLIDATED CAUSE.

UNITED STATES OF AMERICA,

Plaintiff,

HOLTON V. NOYES, AS COMMISSIONER OF AGRICULTURE AND MARKETS OF THE STATE OF NEW YORK, ET AL.,

Intervening Plaintiffs,

vs.

ROCK ROYAL CO-OPERATIVE, INC., ET AL.,

Defendants.

JURISDICTIONAL STATEMENT UNDER RULE 12 OF THE REVISED RULES OF THE SUPREME COURT OF THE UNITED STATES.

In compliance with Rule 12 of the Revised Rules of the Supreme Court of the United States, the intervening plaintiffs-appellants in the above-entitled cause, present the following statement in connection with their petitions for the

allowance of appeals to the Supreme Court of the United States from the decree entered herein on March 21, 1939:

(a) The statutory provision believed to sustain the jurisdiction of the Supreme Court of the United States is Section 2 of the Act of August 24, 1937, Public No. 352, 75th Congress, 50 Stat. 751, 28 U. S. C., Section 349a.

(b) There is involved in this case the validity of certain provisions of the Act of Congress approved May 12, 1933, Public No. 10, 73rd Congress, 48 Stat. 31, 7 U. S. C. A., Chap. 26, as amended by the Act of Congress approved August 24, 1935, Public No. 320, 74th Congress, 49 Stat. 750, and as reenacted and amended by the Act of Congress approved June 3, 1937, known as the Agricultural Marketing Agreement Act of 1937, Public No. 137, 75th Congress, 50 Stat. 246. A compilation of the aforesaid acts of Congress is appended to the statement filed herein by the plaintiff, the United States of America, and is designated therein as "Exhibit A".

(c) The final decree of the United States District Court for the Northern District of New York, a review of which is sought by the appeal herein, was signed on March 21, 1939 and entered on March 21, 1939, and the application for appeal is presented contemporaneously with the presentation of this statement, to wit: on the 21st day of March, 1939.

(d) The nature of the case and the rulings of the Court are such as to bring this case within the jurisdictional provisions relied on for the reasons set forth in the statement filed herein, by the plaintiff, United States of America, and designated therein as (d).

(e) The opinion delivered upon the rendering of the final decree sought to be reviewed herein together with an earlier opinion in the same case are annexed to the statement filed

erein by the plaintiff, United States of America, and desig-ated therein as "Exhibit B" and "Exhibit C" respectively.

Respectfully submitted,

MILO R. KNIFFEN,
Counsel for the Department of Agriculture and Markets of the State of New York and attorneys for the Intervening Plaintiff, Holton V. Noyes, etc.
LOUIS S. WALLACH,
Assistant Counsel.
SEWARD A. MILLER,
Attorney for the Intervening Plaintiff, Dairymen's League Cooperative Ass'n, Inc.
EDMUND F. COOKE,
Attorney for the Intervening Plaintiff, Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc.